

HAMILTON COUNTY BOARD OF COMMISSIONERS
FEBRUARY 26, 2007

The Hamilton County Board of Commissioners met on Monday, February 26, 2007 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The commissioners met in Executive Session in Conference Room 1A at 12:15 p.m. President Dillinger called the public session to order at 1:00 p.m. and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited by everyone.

Approval of Minutes

Holt motioned to approve the minutes of January 8, 2007, January 22, 2007 and January 26, 2007. Altman seconded. Motion carried unanimously.

Altman motioned to approve the minutes of February 9, 2007. Holt seconded. Altman and Holt approved. Dillinger abstained. Motion carried.

Executive Session Memoranda

Holt motioned to approve the Executive Session Memoranda of January 31, 2007 and February 26, 2007. Altman seconded. Motion carried unanimously.

Bid Opening [1:09:14]

Sheriff's Fuel Bid

Mr. Michael Howard opened the bids for the Sheriff's Department Fuel for 2007. HC Bid Form 06/03, Bid Bond and Non-Collusion Affidavit were included unless otherwise specified. 1) Texor Petroleum Company – submitted a Cashier's Check in the amount of \$26,777.50 in lieu of a bid bond. Bid - \$2.1422 per gallon. 2) Petroleum Traders - \$1.9446 gallon. 3) Hamilton County Co-Op - \$1.831 gallon. Howard recommended the bids be forwarded to the Sheriff for review and recommendation at the next meeting. Holt so moved. Altman seconded. Motion carried unanimously.

Bid Awards [1:12:47]

Tandem Axle Dump Truck – Highway Department

Howard stated the bids for the Tandem Axle Dump Truck were opened at 2:00 p.m. on Monday, February 12, 2007. Bids were received from: 1) Wiers International - \$167,583.41 (body by W.A. Jones) and \$168,564.41 (body by Mid-States). 2) Stoops Freightliner - \$168,166 (body by W.A. Jones) and \$169,170 (body by Mid-States) and 3) Utility Peterbilt - \$167,873.77. The Stoops and Utility Peterbilt bids were delivered after the deadline. The bidders were informed that this would not adversely affect the competitive nature of the bids it would be recommended to the commissioners to waive that irregularity and the highway department consider those bids. Altman motioned to approve the waiver. Holt seconded. Motion carried unanimously. Mr. Brad Davis recommended the bid for the Tandem Axle Dump Truck be awarded to Wiers International in the amount of \$167,583.41. An option was bid for a stainless steel floor, that option would cost \$6,754.00. Davis recommended to not select that option. The vendors have told us that when dumping large boulders in to the bed of the truck the stainless is dented. Holt stated it would be easier if you are the driver and your load can slide out as opposed to climbing in the bed. Mr. Bob Davis stated they all slide out it depends if it is soaked up when he went to the plant. As far as strength verses slide ability it does not make that much difference. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Annual Highway Bids

Davis recommended the annual highway bids be awarded as follows:

Category 1 Aggregates - 1a to Irving Materials; 1b to US Aggregates, Inc.

Category 2 Bituminous Mixes – E & B Paving, Inc.

Category 3 Liquid Asphalts – 2a to Asphalt Materials; 3b to Marathon Ashland Petroleum

Category 4 Pipes/Drainage Structures – 4a to St. Regis Culvert; 4b to St. Regis Culvert

Category 5 Pre-Engineered Timber Bridges & Components – American Timber Bridge & Culvert, Inc.

Category 6 Gasoline/Fuel to Hamilton County Co-Op

Category 7 Treated Salt to Cargill, Inc.

Category 8 Pavement Traffic Markings – 8a and 8b to United Rentals & Highway Technology; 8c, 8f, 8g to T&R Traffic Services, Inc.; 8d, 8e to Interstate Road Management, Inc.

Category 9 Weed and Brush Control – 9a, 9b 9c to Townsend Tree Service Co., Inc.

Category 10 Tree and Stump Removal to Asplundh Tree Expert Co.

Altman motioned to approve. Holt seconded. Holt asked if the highway's price at the Hamilton County Co-Op the same as the Sheriff's bid? Holt asked Davis to compare the bids before final approval of the bids. Holt motioned to table. Dillinger seconded. Motion approved unanimously.

Fishers Grant Application Letter of Endorsement

Dillinger stated Mr. Burroughs has requested the commissioners send a letter of endorsement on a grant that the Town of Fishers is applying for. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Highway Business [1:22:24]

Acceptance of Bonds/Letters of Credit – Highway Department

Mr. Joel Thurman recommended acceptance of Bonds and Letters of Credit for the highway department. 1) HCHD #B-07-0002 – Travelers Casualty and Surety Company Subdivision Performance Bond #104817159 issued on behalf of Delello & Sons Asphalt Paving, Inc. in the sum of \$200,121.00 for stone, paving and signs in Potters Bridge Estates at 206th & Cumberland Road to expire November 9, 2008. 2) HCHD #B-07-0003 – Travelers Casualty and Surety Company Performance Bond No. 104846806 issued on behalf of T-Mobile Central, LLC for work in right of way to expire January 18, 2008. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit – Highway Department [1:23:01]

Thurman requested the release of Bonds and Letters of Credit for the highway department. 1) HCHD #B-02-0005 Fidelity and Deposit Company Permit Bond #08621059 for Eagle Valley, Inc. in the amount of \$10,000. 2) HCHD #B-99-0138 Fidelity and Deposit Company Permit Bond #08406251 for Erwin Excavating, Inc. in the amount of \$5,000. 3) HCHD #B-01-0111 Fidelity and Deposit Company Permit Bond #08151873 for Paragus Construction Company, Inc. in the amount of \$5,000. 4) HCHD #B-01-0113 Fidelity and Deposit Company Permit Bond #08151874 for Paragus Construction Company, Inc. in the amount of \$15,000. 5) HCHD #B-01-0121 Fidelity and Deposit Company Permit Bond for J&L Excavating, Jason M. Smith in the amount of \$5,000. 6) HCHD #B-01-0122 Fidelity and Deposit Company Permit Bond for J&L Excavating, Jason M. Smith in the amount of \$10,000. 7) HCHD #B-01-0006 Fidelity and Deposit Company Permit Bond #08536872 for Ryan Fireprotection, Inc. in the amount of \$10,000. 8) HCHD #B-01-0020 Fidelity and Deposit Company Permit Bond #08536875 for J&M Development Company, Inc. in the amount of \$5,000. 9) HCHD #B-02-0135 Fidelity and Deposit Company Permit Bond #:PM8684352 for Central Engineering & Construction Associates, Inc. in the amount of \$10,000. 10) HCHD #B-03-

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0005 Fidelity and Deposit Company Permit Bond #08672931 for Glidden Fence Company in the amount of \$5,000. 11) HCHD #B-03-0022 Fidelity and Deposit Company Permit Bond for Poindexter Excavating, Inc. in the amount of \$5,000. 12) HCHD #B-03-0023 Fidelity and Deposit Company Permit Bond for Poindexter Excavating, Inc. in the amount of \$5,000. 13) HCHD #B-03-0041 Fidelity and Deposit Permit Bond #LPM8615568 for Marsh Supermarkets, Inc. in the amount of \$50,000. 14) HCHD #B-03-0166 Fidelity and Deposit Company Permit Bond #08728652 for Pacesetter Marketing, Inc. in the amount of \$5,000. 15) HCHD #B-04-0026 Fidelity and Deposit Company Permit Bond #LPM8735140 for Eagle Valley, Inc. in the amount of \$10,000. 16) HCHD #B-04-0027 Fidelity and Deposit Company Permit Bond #LPM8735139 for Eagle Valley, Inc in the amount of \$5,000. 17) HCHD #B-04-0077 Fidelity and Deposit Company Permit Bond #LPM8746562 for Central Engineering & Construction in the amount of \$10,000. 18) HCHD #B-04-0086 Fidelity and Deposit Company Permit Bond #08708784 for REI Real Estate Services, LLC in the amount of \$5,000. 19) HCHD #B-05-0031 Fidelity and Deposit Company Permit Bond for Davis Homes, LLC in the amount of \$5,000. 20) HCHD #B-05-0061 Fidelity and Deposit Company Permit Bond for Crider & Crider in the amount of \$10,000. 21) HCHD #B-05-0062 Fidelity and Deposit Company Permit Bond for Crider & Crider in the amount of \$10,000. 22) HCHD #B-05-0063 Fidelity and Deposit Company Permit Bond for Crider & Crider in the amount of \$10,000. 23) HCHD #B-05-0070 Fidelity and Deposit Company Permit Bond for Meyer Najem Corporation in the amount of \$5,000. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Agreements/Supplements [1:23:33]

Bridge #110 Supplement #4

Thurman requested approval of Supplement Agreement No. 4, HCHD #E-03-0006, with Beam, Longest and Neff, LLC for Bridge #110. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Commerce Drive Supplement #6

Thurman requested approval of Supplemental Agreement No. 6, HCHD #E-04-0014, with The Corradino Group for Commerce Drive/Augusta Drive Extension and 96th Street Improvements. Altman motioned to approve. Holt seconded. Dillinger questioned the amount of the supplement. Thurman stated the supplement includes several items. Corradino provided several alternates due to several issues at this location. There is additional design appraising, right of way engineering work. This is a complex project in a small area. These were unforeseen items that we did not know would come up at the beginning of the project, including the round about at 96th Street and Commerce Drive that has been shifted. Dillinger asked what was the original contract? Mr. Jeff Hill stated the original contract was approximately \$350,000 - \$400,000. Motion carried unanimously.

Concurrence with Traffic Study Correspondence

Thurman requested approval of the list of correspondence concerning investigations of requests for signage on Hamilton County Roads. Altman stated she does not know how to resolve the issue of the lane use at 146th Street and Western Way in Washington Township, unless another lane is added. What was concluded was accurate. Thurman stated originally Westfield had a project to do work on Western Way which would have included an additional turn lane. It is his understanding that the project has been put on hold. Altman motioned to approve. Holt asked to vote on the deer crossing sign separately. Altman motioned to approve the other five (5) letters. Holt seconded. Motion carried unanimously. Holt stated we turn down Deer Crossing sign requests because in many parts of the county there are deer everywhere and what criteria do we use to say where a sign should be or not be. Holt stated he thinks we are sending the wrong signal if our standard response is we have deer everywhere in rural parts of the county, why would it make sense to give the parks department a sign. It seems we should be holding them out as an example. We have lots of deer along the White River corridor. Mr. Chris Burt stated if you look at everything generically he would agree with that but anytime we are looking at the specific situation. For the Strawtown Avenue request, it sits up higher than the rest of the area. It makes it more difficult to see a deer approaching, we have had deer related crashes on that section of road, it is a very heavily traveled road and travelers not familiar with that portion of the county would not necessarily realize that it is a wide open park that is prime deer area. Altman concurred with the highway department's judgment call in this area. Holt stated for people who live in the northern part of the county there are deer every where. If you are going to put deer signs on 106th Street where it is not wooded and there is a half mile of open ground on both sides of the road then you should have the signs every half mile in the northern part of the county. Altman stated deer cross at the same place every time, they have preferred path. Dillinger stated what you are saying is true but the difference is the elevation of the road, speeds along the road and commercial ness of it. It is the main ingress/egress in the northern part of the county. Altman and Dillinger approved. Holt opposed. Motion carried.

Official Actions

Hinkle Road

Thurman requested approval of an official action to install regulatory signs on Hinkle Road from 216th Street to 225th Street in Jackson Township. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Anthony Road

Thurman requested approval of an official action to install regulatory signs on Anthony Road from 216th Street to 226th Street in Jackson Township. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Permission to Advertise

Bridge #86, Rulon Road over Weasel Creek

Thurman requested permission to advertise for replacement of Bridge #86, Rulon Road over Weasel Creek in White River Township. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Snow Removal Insurance

Altman asked Dillinger if our insurance offers a supplemental policy covering outside contractors that remove snow for the county? Dillinger stated he does not know, it has been addressed. Dillinger asked Swift to contact Fearrin to get the information. Altman stated one of the issues that may come back is if our carrier has subrogation rights against the vendor's insurance, which is probably a bad policy. If we want people to volunteer to remove snow and use their equipment we probably need to have that subrogation waived. Altman asked if the insurance committee would look at that.

Ordinance 2-26-07-A, Approving a Marion County Interlocal Agreement

Mr. Mike Howard requested approval of Ordinance 2-26-07-A, Ordinance Approving Interlocal Agreement with Marion County regarding the 96th Street/US 421 project. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Annual Fuel Bid – Highway Department

Davis stated he reviewed the Sheriff's fuel bid received from Texor which is \$1.91. The highway department's bid from the Hamilton County Co-Op is \$1.61. Holt stated the issue is the Co-Op bid. Ms. Kathy Howard stated the Sheriff's Co-Op bid is +.19, which is for a lower octane fuel than the highway's specifications. Howard stated the rack price is that day, the Sheriff's bid is +.19 and the highway's is +.29. The difference is the lower octane fuel. Holt asked

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it to be tabled and they continue to review the bid. Altman asked if we can approve all of the bids except the fuel? Altman motioned to approve what highway submitted with the exception of the fuel, which we will table. Holt seconded. Motion carried unanimously.

Humane Society Funding [1:45:27]

Ms. Candace Graham, Humane Society Secretary and David Brown, Humane Society Treasurer, presented an updated analysis of the cost per animal. It has been determined it costs the humane society \$133.84 to take care of the animal for the required seven (7) days. This is a 23% decrease from 2003. It will be a total of \$402,936.57 to take care of the animals received from animal control in 2007. Altman stated she has concerns over the direct costs for the intake and the exam. The intake is estimated at two (2) hours per animal. Graham stated there is a lot of paperwork associated with each animal. Altman questioned whether it is really two hours. The other concern is the medical exam takes one (1) hour on each animal? Graham stated that includes vaccinations. Altman stated when she goes to her veterinarian she goes through a similar procedure and it takes 15 minutes to ½ hour. Graham stated they have to review the temperament of the animal at the same time. Altman stated it would not take two people to do that, she questions it would take two people, one hour each to go through that process and whether it would be chargeable to the county on every animal coming in. Mr. David Brown stated when you take your animal to the vet you have its history, we don't know the history of the strays or unwanted animals. Altman stated she understands they have no history but you are going to give the animal the same shots regardless of its history or not. It is really a temperament issue that could be observed by one person. It is the allocation of when you are justifying your costs that are high. Graham stated because we are unfamiliar with the animal we have two people handle the animal for safety reasons. Altman asked if that should be charged to the county for each animal coming thru? Dillinger asked how much do you do as a function of the humane society verses what the county would do to follow the law? Ms. Rebecca Stevens, Humane Society Executive Director, stated when we bring an animal in, regardless of it is a stray or not, gets vaccinations. We also have to do a blood test on every cat for Feline Leukemia and FIV and heartworm for dogs. We also have to do a black light scan for ringworm. For worker's compensation we are required to have two people present during the temperament testing. The exam is far more detailed than an exam at the vet. Dillinger asked how much is done because of what you do and what statutorily the county is allowed to do? Stevens stated the statute does not indicate what the county needs to do. We have agreed that the appropriate thing to do is to vaccinate every animal upon arrival. If the county was running a shelter you would have to take the measures needed for disease control. You would want to do a temperament test to make sure the animal was safe to handle. Every animal is micro chipped during intake, which is supported by animal control. Altman stated there is \$31.01 for outcome? Graham stated that is for euthanasia on the county side. The humane society's cost for outcome is \$19.62. Altman asked what is the adoption rate, how many animals are euthanized? Stevens stated about 20% in 2006. Altman stated you are charging the same rate as last year which is about \$20 to be euthanized. Stevens stated they have started all over again and have discovered a lower cost per animal but we have an increased cost to euthanize an animal. Holt stated they have done exactly what he requested to give the Board an accurate picture of what is actually taken place verses the historical parameters. Stevens stated the euthanasia has not been calculated in the bottom line of \$403,000. Altman stated she applauds their breakdown but her issue is the reasonable charge to the county. Stevens stated when you look at time we had all of our employees prepare diaries and log how much time they spend. Altman stated this encompasses every animal coming through the door, owner release or animal control? Stevens stated yes. Altman stated that was part of the deal that we would look at every option to cover every animal coming through. Altman asked what happens with the adoption fees when collected. Stevens stated the adoption fee is \$85.00 per animal. This helps offset the cost of spay/neutering. We don't have the means to spay/neuter every animal in the building prior to being adopted. We use the adoption fee to offset the spay/neuter fee. We pay \$40.00 for a dog to be spayed or neutered and \$20.00 to \$25.00 for a cat. The rest helps offset other expenses of the animal being with us longer than the seven days. Holt asked what is the average stay? Stevens stated the average stay is 27 days. Holt stated they are carrying the animal an additional 20 days with no remuneration from the county and 50% of the adoption fee goes to cover that cost. Stevens stated we are looking at time used for stocking supplies, ordering supplies all of the activities for the medical person to complete the task. Altman stated the fee includes the cost of the shots that the county is providing? Stevens stated yes. Altman asked if they feel that should be reimbursable back to the county since the county paid for that initially? Holt stated best practices for a government run shelter would be to do the medical procedures, including the shots? Stevens stated yes. Holt stated we pride ourselves in trying to operate under a best practices scenario whatever part of county government we are dealing with. This sounds like it is a fixed cost that we should be doing that whether out we adopt out an animal or not. Stevens stated yes. Holt asked if this is nationally best practice? Stevens stated all humane society's vaccinate their pets. Altman stated she does not have a problem with vaccinating her issue is that we pay for it and you collect it back on 80% of the cases and we don't get credited back. Holt stated if an average stay of a dog is 20 days longer than what we are paying for and the cost per day is a little bit over \$7.00 per day, that is \$140.00 on average that they are spending on maintenance alone of that animal and half of the adoption fee goes towards the shots. That leaves them \$40 to \$43 to cover \$140 of additional stay time. How can we consider they are taking advantage of the county? Stevens stated there are numerous pets that we have reduced our adoption fee to as low as \$35.00 because we offer a program to senior citizens that allow senior pets to be adopted. Altman stated she does not have a problem with that but if they collect the dollars and it has been on our ticket she has to wrestle in her mind whether it is appropriate that those be retained and the same with the \$19.00 outcome costs. She would not mind paying for euthanasia if you have to evoke it per animal. Brown stated every animal at the end of the seven days has to have something done to it, either process paperwork or something. If it was a county run organization and you decided to not keep them 7 days you would euthanize them. You would spend \$30.00 on every animal at the end of 7 days. Altman stated she understands that and she is not saying if it was county run there would not be a 7 day ticket on each animal's head either. There would be additional funds available to maintain the animal for a longer period of time. Stevens stated our adoption program is as successful as it is because of our marketing efforts and public relations efforts. That takes a lot of time that makes sure we place the animals in foster homes, etc. You would have to hire folks to make sure to keep up the adoption rate that the humane society is able to claim. Altman stated she appreciates their work but it is their job to make sure we are preparing the appropriate amount.

Dillinger stated it was brought up in the Solid Waste Board meeting that dog feces have been left on the blacktop. Steve Wood has spoken with your people about it. Stevens stated Steve Wood came to her last Thursday or Friday of last week, this was the first time he had spoken with her about this issue. We had a community service person walk dogs around the facility and there were two accidents and we went right out and cleaned them up. The staff is now well aware that if they walk them outside the perimeter of the shelter they need to take a poop scoop or a bag with them. Stevens stated we had a community service worker who did not know our policies take the dog outside of the yard. Altman stated it seems like it was a continuing problem.

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Holt motioned to approve the report to the commissioners and implement the fee structure as set forward. Dillinger seconded. Altman stated she is concerned about when we pick up every animal at these rates it shifts a tremendous burden on the county because it is not reimbursed pro-rata from our partners. Altman stated she can not vote for this as presented. Dillinger stated his rationale would be what would it cost the taxpayers of Hamilton County if we did not have an alignment with the humane society, as long as we are getting a good deal for the taxpayers we are doing our job verses the alternative of how we would do it. Altman stated she does not disagree with that logic but these numbers are not where we need to be. Stevens stated it is a lesser cost per animal than what has been paid in the past. Altman stated we are picking up substantially more animals with owner release that are direct cost to the county. Stevens asked if the commissioners all agree that we are taking in more strays than we took in in 2003? Altman stated it is an allocation issue. Holt stated if we were going to do any kind of adoption program we would have to keep the animals longer because they can not be adopted in the 7 day period. I think this room would be full if we did not allow an adoption program. If we institute an adoption program then we are paying the full cost beyond the 7 days, which makes it more problematic if we did not have this private/public partnership. Altman stated there is room in the budget to do that, even with these numbers. Dillinger and Holt approved. Altman abstained. Motion carried.

Stevens asked if the next step would be to go to the county council? Altman stated we need to check the budget. Altman asked if every animal that is going out of your facility either spayed or neutered? Stevens stated not necessarily before they leave. Altman stated she has another issue with spay/neuter right next door. Stevens stated she has met with the clinic and they have as many logistical issues in trying to accomplish that as we do. The cost is still there, there is no break with them and a vet. Altman asked what are you doing to assure that an animal is spayed or neutered within 2 weeks of leaving your shelter? Stevens stated the policy is within 30 days, we can follow up with a vet by the certificates that have been redeemed. Tom Rogers then follows up with people whom are not in compliance. Deputy Tom Rogers stated the State has done away with the dog tax, breeders' permits and anything you can do regarding an assessment on a dog. Right now there is no way to enforce mandatory spay/neutering. The breeders permit portion of the ordinance is null and void because we do not have a county option dog tax. Altman stated you are not enforcing it because there is nothing to enforce? Rogers stated there is nothing to enforce, currently. Dillinger asked why would we not require the adoptee to pay for the spay/neutering? Stevens stated they do through the adoption fee. Stevens stated if you were to adopt a pet that is not fixed we can put the animal in the spay/neuter clinic before they take the animal home. Logistically the spay/neuter clinic is having a hard time scheduling that because our operation hours are different. They are not open Fridays, Saturdays or Sundays and they need to know in advance as to the amount of animals that will be coming in. They schedule down to the number of dogs and cats and we are unable to tell them that we will have a certain number of dogs and a certain number of cats on Monday because we don't know. We have agreed to offer their certificate as one of our options. There is no way to get everybody on the floor fixed prior to the adoption due to expense and then having an animal fixed and bringing it back in to the shelter environment is not healthy. This is the same process that has been in place. The report pulled by VCA has a 95% certificate return rate. Holt asked for time to speak with the Auditor's office and the humane society to see what the next steps are.

[2:34:17] Altman stated last year we released some monies, she would suggest, while we work out the contract terms. Altman motioned to do a contractual release at this point for \$30,000 in addition to what they have received pending written contract to be applied to the written contract when resolved. Altman stated she wants to be very careful on how we structure the contract in terms of how we affect the county. Holt seconded. Motion carried unanimously.

Holt instructed Stevens to send a claim in tomorrow for the \$30,000 and we will have the contract at the next meeting.

Community Prosecutor for Fishers

Sonia Leerkamp requested approval of an Interlocal Agreement with the Town of Fishers for a part-time Prosecutor. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Highway Fuel Bid [2:35:50]

Davis stated the highway department is paying rack price +.29. The Sheriff is paying rack price +.19. The difference is the Sheriff has bulk transport to their facility and we use the Co-Op's facility. Altman asked if there is an octane difference? Davis stated it is a different rack price. Altman stated if there is different octane used we would have to have a separate fuel tank. Holt asked when the highway department is up in Jackson or White River Township do you have the option of fueling at the highway school? Davis stated they do not get fuel any where except the Co-Op. Sheriff Carter stated the municipalities fuel at the high school and then they are invoiced by the school. Holt asked if they are paying more to the school than what the school is paying? Carter stated he does not know. Holt stated that may be an option, if the only reason the truck is coming back is to fuel up. Davis stated normally they are coming back to be loaded as well. Altman motioned to approve the fuel bid presented by the highway. Dillinger seconded. Holt asked if it would make sense to make an inquiry that if \$.10 per gallon is a fair price to pay for the difference between delivery and fueling at someone else's facility? Altman asked if it is appropriate to negotiate it? Dillinger stated these are valid questions but we need to pass it and ask Davis to research it. Altman asked if the bid requires us to use them as an exclusive fuel source? Davis stated no. Holt stated it is a fairness issue, the Sheriff can buy it cheaper from the same vendor than the highway department can. Holt asked Davis to have this conversation with the management of the Co-Op. Motion carried unanimously.

Community Corrections Building Elevations [2:43:40]

Mr. John Barbee stated they are presenting the changes to the community corrections building elevations. No formal action is required today. Mr. Mark VanAllen reviewed the changes to the Community Corrections building elevations. The aluminum panels have been removed and pre-cast concrete panels will be used. Dillinger asked if that would show efflorescence? VanAllen stated that should not be a problem with pre-cast concrete. The battens on the corners of the building have been eliminated. The canopies have been simplified; they will be suspended with hanger wires instead of columns. They will be back in one month with the design development presentation. Altman asked if there will be a bleed through from iron in the aggregate? VanAllen stated they will prepare the specifications that the contractors are not supposed to use iron bearing aggregate. He will not guarantee that a rock with iron content will not filter through the construction process. There is an inspection process at the plant that is followed. Consensus of the commissioners was that the corrections made are more user appropriate.

CDBG Agreements [2:53:10]

Mr. Mark McConaghy requested signatures on two letters to the Indiana Department of Natural Resources regarding environmental reviews on the Community Development Block Grant (CDBG) projects. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Altman stated she did not see an explanation of the Hamilton Centers budget amendment. McConaghy stated the commissioners requested he look at the fringe benefits of the Hamilton Centers budget, which have been adjusted.

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Holt motioned to approve the public service contracts with Primelife Enrichment, Inc. for \$20,000, Trinity Free Clinic for \$7,000 and Westfield Public Library for \$5,549. Altman seconded. Motion carried unanimously.

Pleasant View Cemetery [2:58:59]

Mr. Herald Demaree, Hamilton County Cemetery Commission, stated the deed for the Pleasant View Cemetery gave the cemetery to the Methodist Episcopal Church of Hamilton County in 1890. In October 2005 the Washington Township Trustee filed a Quiet In Title and was granted Title to the cemetery. They only went back 50 years and did not go back far enough to pick up the deed to the church. It has taken two years to get information and the deed from the Methodist Church. Mr. Joe Burgess received a Quit Claim from the church dated October 26, 2005, the Quiet In Title was entered October 27, 2005. Work from Stewart Title shows that Covenant #11 states the land is to be used and maintained by the Methodist Episcopal Church of Hortonville, Indiana for cemetery and burial purposes forever as set forth in this 1890 deed. The trustee has indicated the cemetery was abandoned. In 1997 and 1998 the Hamilton County Cemetery Commission cleaned up and fenced part of the cemetery. The cemetery ground was not completely fenced in, the chain link fence was set inside of the old farm fence line. In 2006 Joe Burgess received a letter from the Pastor of the Hortonville Church stating they could find no records of burial or plot ownership. Last summer, with the help of Darren Murphy, the Hamilton County Surveyor's office ran a survey and found the markers and outlined the present cemetery. The Quiet In Title is 150' east of the cemetery in the middle of the field. Mr. Gill's attorney has filed a Quiet In Title on a property that is not part of the cemetery, it is private land. When Mr. Murphy tried to record the deed from the Methodist Church he received a letter from the county Auditor's office stating the Quit Claim deed did not match their records and they were going by the Quiet In Title. The 2004 aerial shows an outline of the fence cemetery and shows two white areas. Mr. Demaree probed the white areas and found a white stone about 3" to 5" below the surface. The spot to the east is just south of the gazebo. Demaree requested the county attorney take action to get this situation straightened out. Howard stated the last he heard in the Quiet Title transaction, Transfer and Mapping transferred the wrong piece of ground. Transfer and Mapping is reviewing our deed. Howard asked what does Demaree want the county to do? Demaree stated they have tried to talk with Mr. Gill but he will not talk to them. Howard asked if Demaree wants to evict him? Demaree stated they gave permission to the Girl Scouts for the gazebo and a small flower garden but then they put a bench in the gazebo and it has been moved to the flower garden and now there is a picnic table. Demaree stated the deed needs to be changed over. Howard stated the deed is recorded and because the Quiet Title is not there the cemetery commission has title. Howard asked if you want a letter stating the commission owns the property? The deed has not been transferred for tax purposes. Altman asked if it was recorded before or after the judgment? Howard stated it was recorded after the judgment. The judgment described property farther to the east by 150'. Transfer and Mapping need to change it on the tax map but tax mapping does not say who has title. Holt asked what about the Trustee's sign on the property. Howard asked if he wants us to file trespassing and evict the Trustee? Demaree stated the Trustee thinks because he has to take care of the land he thinks he owns it. There is nothing in the law that gives him that authority. Holt stated his Quiet Title action states he had been maintaining it, had he? Demaree stated he says it had not been maintained but we were maintaining it up to that point. Holt asked if a new Quiet Title will need to be filed? Howard stated we will need to file a new Quiet Title for them. Holt asked if the appropriate thing to do would be to file Quiet Title? Howard stated yes. Altman asked what does it cost to locate the remains? Howard stated we know there are remains in this property. Holt stated there is not a dispute that this is a cemetery. Holt motioned to start Quiet Title. Altman seconded. Motion carried unanimously.

Purchase Orders for ISSD

Ms. BJ Casali requested approval of purchase orders for equipment for the Judicial Center and county employees. Equipment - \$66,912, three (3) Toughbook 30 computers for the Sheriff's office, general usage PC's - \$81,000, FTR PC's - \$8,600 and notebook PC's - \$8,100. Funding is in the ISS budget. Casali stated they also need to purchase some Xenpacks, fiber equipment, - \$9,900. Holt motioned to approve the request. Altman seconded. Altman stated we are re-wiring for a telephone system. During discussions she has learned that not all of the boxes are directly wired to the generator. Casali stated she has spoken with Mr. Warner and all of the electrical closets in the Judicial Center are connected to the generator. The phone system will be using power from the switches. They will be investigating the historic courthouse. Altman asked if there is consensus that we need all of the phone system hooked to the generator so if we lose power we still have communications? Casali stated the issue is that the phones will be powered through the Ethernet connection, which means the switches in the phone closets have to have power. Holt stated if we lose power we would close. Warner stated the generator only supplies power to the Judicial Center, there is a completely different feed on the courthouse. A couple of years ago we installed a large UPS to keep the phone lines up. We should have many hours or days of back-up on the UPS. Altman asked Casali and Warner to investigate it and bring back the information to the commissioners.

Altman asked when we have large deliveries do we need to contract, through ISS, for people to off load or do we expect maintenance to off load trucks and deliver into the building? Altman stated we don't want ISS employees unloading a truck when they need to be working on computers. Casali stated they have been working with the Sheriff's office and if we have 24 hours notice the truck can come into the sallyport, which will help immensely. Sheriff Carter stated with notice the Sheriff's department can provide able bodies, with supervision, to off load the truck.

Motion carried unanimously.

Personal Property Software – Fall Creek Township Assessor

Altman stated the Fall Creek Township Assessor is requesting a purchase agreement be approved for the AS2 Software for Personal Property. She had her own system, which needs to be certified by the State and she does not have time for the certification. Ms. Zagar is requesting she be allowed to go back on this AS2 software, which is what the other township assessors are using. Dillinger stated since Ms. Zagar is not present we are not going to address this issue.

Buildings and Grounds [3:23:59]

Request Permission to Advertise – Computer Room HVAC

Mr. Scott Warner requested permission to advertise for bids to replace the HVAC for the Judicial Center computer room. Moore Engineers has designed the new system. Altman asked if Moore Engineers will be bidding on this system? Warner stated no, they will not be bidding. Warner stated the bids will be opened March 26, 2007. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Maintenance Contract Renewals

Warner requested approval of maintenance contract renewals with Sensory Technologies for the audio system for the Commissioners Courtroom and Sentinel Alarm Systems for the fire and security alarm for the highway department. Holt motioned to approve. Altman seconded. Motion carried unanimously.

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Micro-Air Testing Results

Warner stated the indoor air quality was tested by Micro-Air. The buildings are in good shape and copies of the report have been given to Safety Risk and the Health Department. Altman asked how many times a year is the air checked? Warner stated it is not every year. Altman requested that the air quality be checked right outside the door. Altman asked if we have had any other complaints from Circuit Court? Warner stated not that he is aware of. Altman asked that the area be checked.

Personal Property Software – Fall Creek Township Assessor

Dillinger stated there is a deadline on the personal property software for the Fall Creek Township Assessor. Do we want to approve the contract? Altman motioned to approve. Dillinger seconded. Motion carried unanimously.

Commissioner Committee Reports

MVP Tax Software

Altman stated the MVP Tax Software will not be supported in the future. We need to move forward with finding a vendor that is qualified or the ISS Board is recommending developing our own system with a trusted software vendor, that does our Posse system.

Annexation Allocation of COIT Taxes

Altman stated she testified downtown regarding annexation allocation of COIT (County Option Income Tax) Taxes. If there is an annexation COIT taxes would not automatically go on taxes collected abstract. We are in a comprise situation where it may be entertained that a mediation would take place if there is an involuntary annexation to determine the appropriate share of COIT.

Transportation Bill

Altman stated there was a Bill that passed through the House Transportation Committee for \$30 million out of the interest earned in the Major Moves construction account that for two (2) years that would go to local government. Altman stated INDOT has over extended on projects and they will need the interest earned on the un-expended portion of the construction account to make projects happen. Unfortunately the Hamilton County projects are at the tail end and we will suffer the brunt of that diversion.

Jail Project DLGF Hearing

Altman stated we did receive recommendation for approval from the Local Tax Control Board for the Jail project.

MPO Monitoring Report

Holt stated the MPO Monitoring Report shows \$1.5 million for Hamilton County for 146th Street West, is this money other than the Major Moves allocation? Altman stated that would be the earmarks for Hazel Dell and 146th Street, she is not sure. Davis stated it sounds like the earmarks for the 146th Street extension.

Attorney [3:34:10]

Indiana Veneers Corporation Deed

Howard stated Indiana Veneers Corporation has offered to purchase a piece of land from the Hamilton County Port Authority near 22nd and Massachutes Avenue. Howard stated he contacted Judy Levine of the Port Authority to confirm that the purchase of this land would not interfere with the use of this line in the future, which she assured him that it would not adversely affect it. Altman stated one of the possibilities with that rail line should it be used for transit, would be a co-existence of rail and light rail is going to be considered. In that case every bit of right of way plus will be necessary and she has no idea how that would impact it. Holt stated at \$.50 per foot, he does not know why we would want to sell it. Altman stated she does not even know why we are entertaining this. Altman would like to see the right of way and what is being sold. Howard stated as third owner and you have the right to say no, we don't want to sell it. If you instruct him he will hold them and the Port Authority needs to come to the Commissioners. Holt motioned to reject the offer to purchase. Altman seconded. Motion carried unanimously.

Liability Trust Claims

Howard requested approval of a Liability Trust Claim payable to Campbell, Kyle & Proffitt in the amount of \$10,383.09. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Howard requested approval of a Liability Trust Claim payable to Coots, Henke & Wheeler in the amount of \$623.20. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Administrative Assistant

Commissioner Appointments

E-911 Review Board

Altman nominated Rick Venderweilen to the E-911 Review Board. Holt seconded. Motion carried unanimously.

St. Vincent's Hospital Authority

Swift stated Barbara Crawford has declined her re-appointment to the Hospital Authority of Hamilton County for St. Vincent's Hospital. Holt motioned to table. Dillinger seconded. Motion carried unanimously.

Fishers Wage Committee Appointment

Swift stated the Town of Fishers needs a wage determination committee appointment. Holt motioned to appoint Jonathan Valenta to the Fishers Wage Determination Committee. Altman seconded. Motion carried unanimously.

Snow Emergency Declaration

Altman stated she executed a Snow Emergency Declaration on behalf of the Commissioners on February 14, 2007. Holt motioned to ratify that action. Dillinger seconded. Motion carried unanimously.

Riverview Hospital

Swift stated Riverview Hospital has asked the Commissioners consider June 25th to attend a dinner at the hospital.

Metropolitan Statistical Area Census Bureau

Swift stated the Metropolitan Statistical Area Census Bureau has now included Carmel.

Town of Westfield

Dillinger asked if everyone received a letter from the Town of Westfield confirming the establishment of an economic revitalization area? Holt and Altman received the letter and believe it is a courtesy letter with no action required.

Janus Development

Altman stated she likes Janus, it is a great organization, but their numbers keep expanding exponentially for their contract. It is \$510,000 for operations and another \$100,000 for capital expenses. Council has pulled all of this stuff out of the Commissioners budget and we don't see it. Dillinger asked what are we supposed to do with this? Altman stated sign it but there is no justification for the capital. Ms. Dawn Coverdale stated the \$510,000 is what was submitted to Fred (Swift) during the budget cycle. The \$100,000 is an amount that Meredith Carter has agreed to fund

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for improvements to their facilities. Dillinger stated he is not inclined to sign it until we get more specifics. Holt agreed. Altman stated the Council has pulled a lot of what the Commissioners used to review and sign contracts for and we don't see it. Coverdale stated they are being paid that amount. Holt stated without a contract? Coverdale stated yes, but she did not know they did not have a contract. It will have to be taken up with Council. Dillinger stated this should not be paid if there is not a contract, he does not care if it is appropriated or not. Dillinger told Coverdale to stop paying Janus. Ms. Kim Rauch stated their budget was approved, there was no contract signed. Holt asked to table the issue and asked Fred to sort it out with the Auditor's office. Dillinger told Coverdale to not do anything until it is sorted out.

Sheriff [3:50:10]

Inmate Medical Claims

Sheriff Doug Carter stated he has spoken with the CFO of Riverview Hospital and they have done an audit to go back into the final quarter of 2006 on the inmate medical claims. If there is anything is less than the 21% we will receive a credit.

Federal Certification Report

Carter requested approval and signature on a Federal Annual Certification Report for the Asset Forfeiture.

Capital Asset Notification

Carter requested approval of a Capital Asset Notification Form transferring a van to the Hamilton County Coroner. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Altman stated we are looking at controlling assets for insurance and if everybody does their asset inventory forms that will tell us immediately what is in and out of our inventory. If every department head fills out the form and a copy of the form goes to the insurance committee. Dillinger stated there is a sub-committee working on the procedure.

Auditor [3:54:19]

Liability Trust Claim

Ms. Dawn Coverdale requested approval of a Liability Trust Claim payable to Don Hinds Ford in the amount of \$20,959 for purchase of a Sheriff's vehicle. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Microvote Software Maintenance Agreement

Coverdale requested approval of the Microvote Software Maintenance Agreement. Holt motioned to approve. Altman seconded. Motion carried unanimously.

County Treasurer's Monthly Reports

Coverdale requested approval of the County Treasurer's Monthly Reports 1) Amendment to 12/31/06 report, 2) January 31, 2007. Holt motioned to approve both reports. Altman seconded. Motion carried unanimously.

Acceptance of Bonds/Letters of Credit – Drainage Board

Coverdale requested acceptance of Bonds and Letters of Credit for the drainage board. 1) HCDB-2007-00002 – Fidelity and Deposit Company of Maryland Performance Bond for the construction of the Cumberland Road Arm of Mud Creek/Sand Creek Drainage Area - \$51,498.00. 2) HCDB-2007-00005 – Mainsource Bank Irrevocable Standby Letter of Credit No. 1 for Barrington Estates Section 2 – Overbank Excavation - \$39,000 (New Letter of Credit is replacing existing Letter of Credits in place for Section 2 that expires 2/17/07). 3) HCDB-2007-00006 Mainsource Bank Irrevocable Standby letter of Credit No. 3 for Barrington Estates Section 2 monuments, markers and erosion control - \$14,000. (New Letter of Credit replacing existing Letters of Credit in place for Section 2 that expires 2/17/07). 4) HCDB-2007-00007 – Mainsource Bank Irrevocable Standby Letter of Credit No. 4 for Barrington Estates Section 2 storm sewers - \$20,000. (New Letter of Credit replacing existing Letter of Credit in place for Section 2 that expires 2/17/07). Holt motioned to approve. Altman seconded. Motion carried unanimously.

Release of Bonds/Letters of Credit – Drainage Board.

Coverdale requested the release of Bonds and Letters of Credit for the drainage board. 1) HCDB-2006-00009 – Mainsource Bank Irrevocable Standby Letter of Credit No. 3 – Barrington Estates, Phase II monuments, markers and erosion control - \$14,000. 2) HCDB-2006-00010 – Mainsource Bank Irrevocable Standby Letter of Credit No. 1 – Barrington Estates Phase II for overbank excavation - \$39,000. 3) HCDB-2006-00012 – Mainsource Bank Irrevocable Standby Letter of Credit No. 4 for Barrington Estates Phase II storm sewers - \$20,000. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Payroll Claims

Coverdale requested approval of the Payroll Claims for the period of January 29 thru February 11, 2007 paid February 23, 2007. Altman motioned to approve. Holt seconded. Motion carried unanimously.

Vendor Claims

Coverdale requested approval of the Vendor Claims to be paid February 27, 2007. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Humane Society

Holt asked if due to the approval of a new per animal rate does a new interlocal agreement with the entities need to be drawn up? Holt stated we have saved the entities 23% today. Altman stated we have picked up the balance. We need to look at what that is doing to us, if there is an equitable arrangement with our partners. Holt stated we are paying for us, we are paying for the ones that are dropped off. Howard stated and the strays that are picked up outside of city limits which is disproportionate because of population and people drop them off in the country. Holt stated we are only paying for our jurisdiction now. Altman stated and owner releases. Holt stated they charge \$45.00 on an owner release and we are paying the difference because we asked them to take them. Altman stated we are paying them the \$130 rate per animal and we get back the charge they get from the people who picked up lost animals. If someone wants to bring an animal in because they are moving we pay for it because we don't have an agreement with our partners. Howard asked if we are going to give them a reduction per animal should we add back the owner releases in the jurisdictions. Holt stated yes. Altman stated we need to do a proportionate share. When Altman did the calculations per animal and we accepted everyone and put true costs in she was down to about \$115 per animal. Holt asked when Howard brings back the new contract with the Humane Society if he would bring back a proposed interlocal as well.

Bridge Fund

Holt asked Howard to review the letter to the towns and cities regarding the bridge fund.

Pacers County Employee Night

Dillinger stated Sheena has requested permission to distribute a flyer regarding a county employee night for the Pacers. Holt stated the title of it is Indianapolis City and County Employee Nights. Holt motioned to not allow distribution. Altman seconded. Motion carried unanimously.

Town of Westfield

Davis stated the Town of Westfield has asked if the county would be interested in doing some chip seal work for them this summer. They have contacted several contractors and can not find anyone to take on the project. It is about 3.5 miles of work. We would charge them for time and materials. Dillinger asked how long would it take? Davis

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stated approximately 2 days. Holt stated he hates to go there, it is us competing against private industry. Altman stated it is such a small job that no one wants it. Estimated costs would be less than \$30,000. Holt asked Davis to find out where he received quotes from. Davis will calculate the costs.

Thoroughfare Plan Elected Officials Meeting

Davis stated they have asked the elected officials of the municipalities if they wanted to have a meeting to review the Thoroughfare Plan. As of today we have only received three (3) responses with only Mr. Cook from Westfield responding that he would like to attend. Davis asked if they review the plan with Mr. Cook and possibly Fishers, do the commissioner want to be present? Holt told Davis to let them know when the meeting is and those that can make it will attend.

Cities and Towns Dinners

Dillinger asked if the commissioners would want to re-instate the cities, towns and county dinners? Altman stated we need to have more communication. Dillinger stated it goes well for a while and then the elected officials stopped attending and send their staff, which does not work. Altman stated it would be elected officials only. Dillinger will check to see if there is any interest.

Joint Meeting

Swift stated the quarterly meeting with county council is scheduled for March 12th. Do you want to continue to meet quarterly through 2007? Dillinger will discuss it with the Council President.

Holt motioned to adjourn. Altman seconded. Motion carried unanimously.

Commissioner Correspondence

Council Invitation to attend Executive Session of February 7, 2006

Hamilton North Public Library Letter Including Greg Goff on Board Member Candidate List

INDOT List of Proposed Projects in Hamilton County

Beam Longest and Neff Notice of Transmittal

Bridge #110 – 186th Street over Cool Creek

IDEM 8 Hour Ozone Redesignation Petition and Maintenance Plan

IDEM Notice of General Permit Issuance of Water Discharge

Bottamiller LLC

IDEM Notice of Sewer Permit Applications:

Britton Falls Subdivision, Area 2, Section A, Phase 3 – Fishers

Britton Falls Subdivision, Area 2, Section B, Phase 3 – Fishers

Britton Falls Subdivision, Area 2, Section B, Phase 4 – Fishers

Britton Falls Subdivision, Area 2, Section C. Phase 3 – Fishers

Cooper Commons - Noblesville

Village of West Clay Brockway Public House – Carmel

IDEM Approval of Renewal of Solid Waste Facility:

Hamilton County Transfer Station

IDEM Notice of Sanitary Sewer Construction Plans and Specifications:

116th Street Lift Station Upgrade – Fishers

Britton Falls Subdivision, Area 2, Section B, Phase 4 – Fishers

Britton Falls Subdivision, Area 2, Section C, Phase 3 - Fishers

Brook Park, Section 5 - Fishers

Canyon Ridge, Section 3 – Fishers

Carmel Science & Technology Park, Block 11 – Carmel

Eaglewood Interceptor/The Woods at Lions Creek – Carmel

Village of West Clay Block “F” Commercial – Carmel

IDEM Sanitary Sewer Plans and Specifications - Denial

Lakeside Park Subdivision, Sections 6 & 7 – Carmel

Certificate of Liability Insurance:

Fredericks, Inc.

HAMILTON COUNTY BOARD OF COMMISSIONERS
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Present
Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Dawn Coverdale, Chief Deputy Auditor
Kim Rauch, Administrative Assistant to Auditor
Fred Swift, Administrative Assistant to Commissioners
Michael A. Howard, Attorney
Doug Carter, Sheriff
Brad Davis, Highway Director
Joel Thurman, Interim Highway Engineer
Amber Emery, Highway Public Service Representative
Christopher Burt, Highway Staff Engineer
Tim Knapp, Highway Right-of-Way Specialist
Matt Knight, Highway Staff Engineer
Faraz Kahn, Highway Department
Kathy Howard, Highway Department
Bob Davis, Highway Superintendent
Danny Rebholz, School
Jeff Peters, Road Cut Permit
Floyd Burroughs, FEBA
Hearld Demaree, Hamilton County Cemetery Commission
Becki Wise-Kent, USI
Sonia Leerkamp, Prosecutor
Cindy Crispin, Prosecutor
Jeff Hill, The Corradino Group
BJ Casali, ISSD
John Barbee, Envoy, Inc.
Mark VanAllen
Jonathan Babalola, Noblesville Daily Times
Chris Sickich, Noblesville Ledger
Scott Warner, Buildings & Grounds
Ralph Watson, Community Corrections
Rebecca Stevens, Humane Society
Candace Graham, Humane Society
David Brown, Humane Society
Lynne Coverdale, Humane Society
Mark McConaghy, CDBG Grant

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Robin M. Mills, Auditor